

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

**TRACY MCNAIR**

**Plaintiff,**

**v.**

**UNITED STATES OF AMERICA,  
Defendant.**

**Civil Action No. 2:21cv51**

*In re: Tracy McNair v. Hampton Roads  
Community Health Center and Dr. Markovic  
Vladimir Case No. GV20014031-00, Norfolk  
General District Court*

**MOTION TO DISMISS**

Defendant, United States of America, by and through the United States Attorney for the Eastern District of Virginia, hereby moves to dismiss the Plaintiff's claims against the United States (substituted for Hampton Roads Community Health Center and "Dr. Vladimir Markovic" (correctly identified as Dr. Vladimir Markovic)) pursuant to Federal Rule of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction.

A memorandum in support of this motion and a *Roseboro* notice are being submitted simultaneously herewith.

*Local Rule 7(E) Notice*

PLAINTIFF IS REQUESTED TO ADVISE THE COURT AS PART OF ANY RESPONSE SHE MAY FILE WHETHER SHE DESIRES ORAL ARGUMENT ON THE DEFENDANT'S MOTION.

Respectfully submitted,

UNITED STATES OF AMERICA,  
Defendant

RAJ PAREKH  
Acting United States Attorney

By: /s/ Kent P. Porter  
Kent P. Porter, VSB No. 22853  
Supervisory Assistant United States Attorney  
Office of the United States Attorney  
101 West Main Street, Suite 8000  
Norfolk, Virginia 23510-1671  
Telephone: (757) 441-6331  
Facsimile: (757) 441-6689  
Email: kent.porter@usdoj.gov  
*Counsel for United States of America*

**CERTIFICATE OF SERVICE**

I hereby certify that, on the 25th day of January, 2021, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, and further certify that I will mail copies of the foregoing and the Notification of Electronic Filing by U.S. mail, postage paid, to the following non-filing user(s):

TRACY MCNAIR  
3801 Chatham Circle, Unit 2  
Norfolk, Virginia 23513  
*Pro se Plaintiff*

By: /s/ Kent P. Porter  
Kent P. Porter, VSB No. 22853  
Supervisory Assistant United States Attorney  
Office of the United States Attorney  
101 West Main Street, Suite 8000  
Norfolk, Virginia 23510-1671  
Telephone: (757) 441-6331  
Facsimile: (757) 441-6689  
Email: kent.porter@usdoj.gov  
*Counsel for United States of America*